

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MATTHEW BOROWSKI,

Plaintiff,

v.

23-cv-257

CUSTOMS AND BORDER PROTECTION,

Defendant.

JOINT STATUS REPORT

Pursuant to the Court's April 21, 2025, Order, ECF No. 70, the Parties make this Joint Submission regarding the parties' proposed next steps in this litigation, The Parties propose that:

1. Customs and Border Protection be permitted to submit the Amended Administrative Record and the FOIA disclosure together with a supplemental affidavit explaining the particular harm that would come from production of the records to U.S. Magistrate Judge Michael J. Roemer within 30 days after this Court's order for in camera review.
2. As to the APA claim, Judge Roemer will determine whether information was properly withheld under the law enforcement privilege and whether the material identified as personally identifiable information was properly withheld;
3. As to the FOIA claim, Judge Roemer will determine whether release of the five pages of intra-agency emails would harm the deliberative process or impede open and candid discussions, and whether Exemption 7(E) was properly applied.

Respectfully submitted this 19th day of May, 2025,

BOROWSKI WITMER

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